

Defendant.

**ORAL ARGUMENT REQUESTED**

WHEREFORE, Fidelity respectfully requests that this Court grant summary judgment.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Fidelity requests a hearing on this Motion. Fidelity submits that a hearing shall assist the Court in its consideration and resolution of the issues presented herein.

Dated: February 17, 2017

Respectfully submitted,

FIDELITY MANAGEMENT TRUST  
COMPANY

By its attorneys,

/s/ Gregory Jacob

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**LOCAL RULE 7.1(A)(2) CERTIFICATION**  
**AND CERTIFICATE OF SERVICE**

I, Gregory Jacob, hereby certify that counsel for Defendants conferred with opposing counsel on February 16, 2017 and were unable to resolve or narrow the issues presented in this motion prior to filing.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 17, 2017.

/s/ Gregory Jacob